



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/939,206

08/24/2001

James M. Gill

018360/291659

3572

826

7590

09/10/2009

ALSTON & BIRD LLP

BANK OF AMERICA PLAZA

101 SOUTH TRYON STREET, SUITE 4000

CHARLOTTE, NC 28280-4000

EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT

PAPER NUMBER

3629

MAIL DATE

DELIVERY MODE

09/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

7
8 *Ex parte* JAMES M. GILL,
9 ANTONY A. AWALDA,
10 and
11 IAN J.H. WILLIAMS
12

13
14 Appeal 2009-001124
15 Application 09/939,206
16 Technology Center 3600
17

18
19 Decided: September 10, 2009
20
21

22
23 *Before* MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
24 JOSEPH A. FISCHETTI, *Administrative Patent Judges*.

25
26 CRAWFORD, *Administrative Patent Judge*.
27

28
29 DECISION ON APPEAL

30
31 STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection of claims 46-83. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellants invented systems and methods for estimating landed costs for domestic and internationally shipped goods (Spec. [0002]).

Claim 46 under appeal is further illustrative of the claimed invention as follows:

46. A system for processing data associated with a freight shipment, comprising:

a rate sheet input module capable of accepting a plurality of rate sheets wherein each rate sheet specifies published freight rates and each rate sheet is associated with one of a plurality of freight carriers and is respectively structured according to one of a plurality of formats, the rate sheet input module further receiving and storing a rate sheet associated with the one of a plurality of freight carriers and structured according to one of the plurality of formats;

a rate sheet analyzer module adapted to interface with a template storage module storing a plurality of templates, wherein one of the plurality of templates is associated with a specific freight carrier and is structured according to said one of the plurality of formats to interpret the rate sheet, the rate sheet analyzer module selecting the one of the plurality of templates by matching the one of the plurality of freight carriers associated with the rate sheet with the specific freight carrier associated with the one of the plurality of templates; and

a rule generation module determining a freight charge associated with the freight carrier using the selected one of the plurality of templates and the rate sheet.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Kulik	US 5,661,653	Aug. 26, 1997
Danford-Klein	US 6,061,667	May 9, 2000
Mattioli, Jr. (Mattioli)	US 6,286,009	Sep. 4, 2001

The Examiner rejected claims 46, 47, 49-61, 63-73, and 75-83 under 35 U.S.C. § 103(a) as being unpatentable over Kulik in view of Danford-Klein; and rejected claims 48, 62, and 74 under 35 U.S.C. § 103(a) as being unpatentable over Kulik in view of Danford-Klein and Mattioli.

We REVERSE.

ISSUE

Did the Appellants show the Examiner erred in finding that a combination of Kulik and Danford-Klein renders obvious a carrier-specific template structured according to one of a plurality of formats to interpret the carrier-specific rate sheet, as recited in independent claims 46, 60, and 72, because Kulik only discloses templates being applied to a single carrier's rate sheet?

FINDINGS OF FACT

Specification

Appellants invented systems and methods for estimating landed costs for domestic and internationally shipped goods (Spec. [0002]).

Kulik

Kulik discloses a software controlled mail processor wherein a user can define a custom template, specifying classes and break point parameters for controlling between classes (col. 4, ll. 48-51).

Rates manager submodule 25 stores the published standard rate tables corresponding to the postage rates for all classes of mail, as published by the

1 postal authority, as well as a processing engine to provide appropriate access
2 to the data in the tables (col. 5, ll. 29-36).

3 The user defined template specifies a parameter range for which each
4 selected class processing should apply. For each of the templates 33, once
5 input and stored, the custom rates processor 31 utilizes the template to
6 develop a corresponding custom rates rate table 35 (step S2). More
7 specifically, the custom rates processor 31 interrogates the rates manager 25
8 to obtain break point and postage values for each selected class and range
9 specified in the custom template. From this template, the custom rates
10 processor develops and stores one of the custom rates rate tables 35 (step S3)
11 (col. 6, ll. 30-40).

12 13 *Danford-Klein*

14 Danford-Klein discloses creating complex rating engines for
15 particular carrier contracts in order to increase the speed for calculating the
16 cost of linehaul service in response to a rating request (col. 3, ll. 29-43).

17 18 PRINCIPLES OF LAW

19 *Obviousness*

20 During examination, the examiner bears the initial burden of
21 establishing a prima facie case of obviousness. *In re Oetiker*, 977 F.2d
22 1443, 1445 (Fed. Cir. 1992).

23 24 ANALYSIS

25 We are persuaded of error on the part of the Examiner by Appellants'
26 argument that because Kulik only discloses templates being applied to a

1 single carrier's rate sheet, a combination of Kulik and Danford-Klein does
2 not render obvious a carrier-specific template structured according to one of
3 a plurality of formats to interpret the carrier-specific rate sheet, as recited in
4 independent claims 46, 60, and 72 (App. Br. 9-12). Kulik discloses that
5 custom templates 33 are applied to the published standard rate tables to
6 produce custom rates rate tables 35. The Examiner asserts that different
7 custom templates 33 can be carrier specific because Danford-Klein discloses
8 rating engines for particular carrier contracts, and the rating engines
9 correspond to custom templates 33.

10 The Examiner asserts that custom rates rate tables 35 of Kulik
11 correspond to the recited carrier-specific rate sheets (Ex. Ans. 7). However,
12 custom templates 33 are applied to the published standard rate tables to
13 create custom rates rate tables 35 in Kulik. By contrast, the claims recite
14 that the custom templates are applied to the carrier-specific rate sheet. In
15 other words, custom templates 33 would need to be applied to custom rates
16 rate table 35 in Kulik in order to correspond to the subject matter of
17 independent claims 46, 60, and 72. Kulik does not disclose this.

18 Instead, the most logical application of the recited subject matter to
19 Kulik is that the published standard rate tables of Kulik correspond to the
20 recited rate sheet. However, this also does not satisfy the recitations of
21 independent claims 46, 60, and 72, because custom templates 33 are all
22 applied to the *same* published standard rate tables, and not the recited
23 *carrier-specific* rate sheets. Indeed, Kulik only discloses one set of tables
24 for one carrier. Accordingly, in the absence of any showing by the

1 Examiner as to how the published standard rate tables of Kulik may be
2 multiple standard rate tables, each of which are carrier-specific, we cannot
3 sustain this rejection. *See In re Oetiker*, 977 F.2d at 1445.

4 By virtue of their dependence from independent claims 46, 60, and 72,
5 we also do not sustain the rejections of dependent claims 47-59, 61-71, and
6 73-83.

7
8 CONCLUSION OF LAW

9 On the record before us, Appellants have shown that the Examiner
10 erred in rejecting claims 46-83.

11
12 DECISION

13 The decision of the Examiner to reject claims 46-83 is reversed.

14
15 REVERSED

16
17
18
19
20 hh

21
22 ALSTON & BIRD LLP
23 BANK OF AMERICA PLAZA
24 101 SOUTH TRYON STREET, SUITE 4000
25 CHARLOTTE, NC 28280-4000